THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22928 of 1995

ORAL ORDER:

This writ petition is filed seeking a Mandamus directing the respondents to regularize the services of the petitioners as regular/permanent sub-staff as per the empanelment with reference to respondents 2 and 3 branches vide letter dated 11.3.1987 respectively and further direct the respondents to fix the petitioners seniority as per their date of joining in service.

It appears, petitioners are working as sub-staff in Respondent Bank and they were included in the panel approved by the Central Office for appointment as sub-staff as per Circular dated 11.3.1987. According to the petitioners, they were all temporarily appointed in various branches of Respondent Bank in Kakinada Region from 1982 onwards. The Central Office approved a panel of 78 persons to be included for appointment as sub-staff and out of those 78 names, 21 names from Serial Nos.25 to 45, including some of the petitioners, were shown as approved candidates and they were being continued till date. It is the case of the petitioners that a settlement was entered into between the management and the Union under Section 12(3) of the Industrial Disputes Act, 1947 on 9.1.1995. Clause 7 of the said settlement reads as under:

> "PROCEDURE FOR ABSORPTION OF TEMPORARY CANDIDATES WHO HAVE COMPLETED 240 DAYS OF SERVICE IN 12 CONSECUTIVE MONTHS:
>
> Notwithstanding what is contained in clause 8(D), all those temporary candidates who have completed 240 days of service in any 12 consecutive months between 1.1.1982 and 16.12.1991 in the Bank shall be absorbed into permanent service of the Bank as and when vacancies are identified by

the Bank in concerned Districts. Such candidates would not be entitled for arrears of wages and back-dated weightage in seniority.

Provided that the absorption of such candidates under this settlement shall be taken up only after absorption of the candidates who are already regularly empanelled at present after being sponsored by the concerned District Employment Exchanges and who have already put in 240 days of service in any 12 consecutive months ending 16.12.1991. For this clause, service will include intervening Sundays/Holidays in addition to the temporary service. However, in cases where litigation is pending, computation of 240 days of service shall be for any consecutive period of 12 months".

As per the said settlement, the petitioners are entitled for being absorbed on regular basis, but the respondents are attempting to regularize the services of their juniors. Hence the writ petition.

The learned counsel appearing for respondents, on instructions, submitted that no juniors to the petitioners were absorbed on permanent basis. The panel is being operated as per the seniority and petitioners will be promoted as and when their turn comes.

In view of the above, the respondents are directed to consider the cases of the petitioners for absorption on regular/permanent basis as sub-staff as per their seniority and eligibility in the panel.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 28.11.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22928 of 1995

28.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22928 of 1995

Date: 28th November, 2006

Between:

V.Kanaka Ratnam & others.

.. Petitioners

And

The Andhra Bank, rep. by its
General Manager (Personnel Department),
Central Office, Secretariat Road,
Hyderabad & others.

.. Respondents